

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE MERCIER,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT,
et al.,

Defendants

Case No. 2:06-cv-01404-RLH-PAL

ORDER

The Court denied Plaintiff's Application to Proceed in Forma Pauperis (#1) and directed him to pay the filing fee (#2, filed November 8, 2006). Plaintiff has not paid the fee within the allotted time.

"Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal. This action simply cannot proceed without Plaintiff first paying the filing fee, and Plaintiff has not taken the opportunity to do just that. Defendants, who have not appeared, will suffer no prejudice.

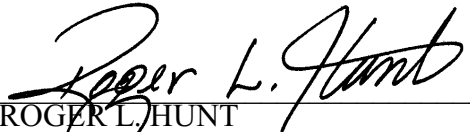
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1 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice
2 for Plaintiff's failure to pay the filing fee. The Clerk of the Court shall enter judgment accordingly.

3 DATED this 15th day of August, 2007.

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6 ROGER L. HUNT
Chief United States District Judge
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